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**KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA**

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KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:AA

CDUA: HA-3948

Submission Date: December 11, 2023

145-Day Exp. Date: May 24, 2024

Onaona P. Thoene
Carlsmith Ball LLP
121 Waiianuenue Ave
Hilo, Hawai'i 96720

Jan 8, 2024

Dear Onaona P. Thoene:

**NOTICE OF ACCEPTANCE AND PRELIMINARY ENVIRONMENTAL
DETERMINATION**

**Conservation District Use Application (CDUA) HA-3948
(Departmental Permit)**

This acknowledges the receipt and acceptance for the processing of your client, Cellco Partnership DBA Verizon Wirelesses After-the-Fact CDUA for the Verizon Wireless H13-Kona Airport Cellular on Wheels COW project. The project site is located at 73-4229 Queen Ka'ahumanu Highway, Kailua-Kona, Hawai'i 96740, Tax Map Key: (3) 7-3-049-038. The noted TMK lies within the General subzone of the Conservation District.

Conservation District Use Permit HA-3656 for Cellular on Wheels (COW) telecommunication facility expired on April 27, 2017, but continues to operate. The applicant would like to continue uninterrupted services until a permanent facility can be constructed. To resolve the matter, a \$2,000 fine was assessed, and Verizon was required to file an After-the-Fact CDUA to potentially retain the land use. The fine has been paid and the CDUA is being processed.

The existing features of the project area include the COW, which is a mobile equipment platform, approximately 9' wide x 30' long, with a telescoping pole that can be extended 40' tall. Panel type antennas are mounted at the top of the pole and the pole is guyed for stability. The guy wires are anchored to concrete blocks that are placed on wooden pallets. The operating area is 274 sq. ft (without guywires)/12,167 sq. ft (including guywires). The Property is secured by a chain-link fence. The mobile trailer and concrete supports sit at grade to minimize ground disturbance.

After reviewing the application, the Department finds that:

1. The proposed use is an identified land use in the General subzone of the Conservation District, pursuant to the Hawai'i Administrative Rules (HAR), §13-5-22 P-14 TELECOMMUNICATIONS (C-1) Construction of a new tower at an existing site that is lower than existing towers and does not result in adverse visual impacts, and that is part of a site and system master plan. This use requires a Departmental Permit approved by the Chair of the Board of Land and Natural Resources;
2. Pursuant to §13-5-40 of the HAR, a Public Hearing will not be required;
3. In conformance with Hawai'i Revised Statutes (HRS), Chapter 343, as amended, and HAR Chapter 11-200.1-15(c), the proposed project falls under **General Exemption 1** Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing, specifically PART 1, #46 Granting to a person the privilege to conduct operations involving the provision of goods, wares, merchandise, or services to the general public including, but not limited to, tours, food and beverage operations, retail operations, rental operations, or communications and telecommunications services in or on an existing building facility, or area. An environmental assessment will not be required;
4. The project does not appear to be in the Special Management Area.

Upon completion of the application review process, this CDUA will be presented to the Chair for consideration. Should you have any questions, please contact Alyssa Accardo of our Office of Conservation and Coastal Lands at (808)-587-0048 or at Alyssa.M.Accardo@hawaii.gov.

Sincerely,



Dawn N.S. Chang, Chairperson
Board of Land and Natural Resources *mc*

- c: Hawaii Board Member
HDLO/ENG
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Pu'u Anahulu Community assoc.
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